

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

) Magistrate Docket No.

08 MI 0529  
08 FEB 22 AM 11:39

Plaintiff,

)

COMPLAINT FOR VIOLATION OF

v.

)

Mario Castillo CARTAGENA-Castillo,

) Title 8, U.S.C., Section 1326

DEPUTY

) Deported Alien Found in the

) United States

Defendant

)

)

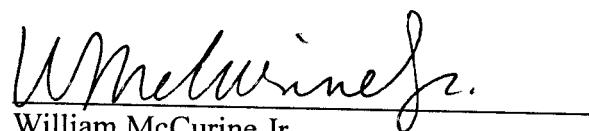
The undersigned complainant, being duly sworn, states:

On or about **February 20, 2008** within the Southern District of California, defendant, **Mario Castillo CARTAGENA-Castillo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 SIGNATURE OF COMPLAINANT  
 James Trombley  
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22<sup>nd</sup> DAY OF FEBRUARY  
2008

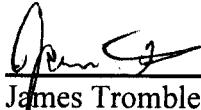
  
 William McCurine Jr.  
 UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Mario CARTAGENA-Castillo**

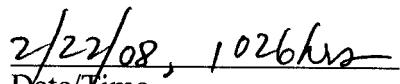
**PROBABLE CAUSE STATEMENT**

On February 20, 2008, Border Patrol Agent L. Nye was working an area of Otay Mountain known as Doghouse Junction. This area is approximately eight miles east and four miles north of the Otay Mesa, California Port of Entry. Agent Nye responded to scope sighting in the area known as the Miniwawa Road. Upon arriving in the area, as directed by scope operator W. Pinkston, he noticed several individuals attempting to conceal themselves in a canyon. Agent Nye approached and identified himself as a Border Patrol Agent. Agent Nye then questioned each person individually, including one later identified as the defendant **Mario Castillo CARTAGENA-Castillo**, as to their citizenship and immigration status. All of the individuals, including the defendant stated that they were citizens and nationals of Mexico, present in the United States without any immigration documents that would allow them to be or remain in the United States legally. The group was arrested at approximately 11:15 p.m. and transported to the State Route 94 Checkpoint Station for processing

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about February 15, 2008. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

  
\_\_\_\_\_  
James Trombley  
Senior Patrol Agent

  
\_\_\_\_\_  
William McCurine Jr.  
U.S. Magistrate Judge

  
\_\_\_\_\_  
Date/Time